

Agenda Including Addeds

Animal Welfare Advisory Committee

7th Meeting of the Animal Welfare Advisory Committee

July 5, 2018, 5:00 PM

Committee Room #4

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Next meeting: August 2, 2018

Authority: Item 10, Planning Committee
Report 12-009 (PED12097)
CM: June 13, 2012

Bill No. 130

CITY OF HAMILTON

BY-LAW NO. 12-130

To Regulate the Feeding of Wildlife and to Repeal By-law No. 02-136

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, 8 and 9 of subsection 10(2) authorize by-laws respecting: the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; the protection of persons and property; and animals;

AND WHEREAS section 425 of the *Municipal Act, 2001* authorizes the City of Hamilton to pass by-laws providing that a person who contravenes a by-law of the City of Hamilton passed under that Act is guilty of an offence;

AND WHEREAS the *Municipal Act, 2001* further authorizes the City of Hamilton, amongst other things, to delegate its authority;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

DEFINITIONS

1. In this By-law:

“**animal**” means any member of the animal kingdom, other than a human;

“**City**” means the municipality the City of Hamilton or the geographic area of the City of Hamilton as the context requires;

“**feed**”, in all of its forms, includes the regular or intermittent supply of food, but does not include baiting during lawful activities;

“**food**” means anything that can be consumed by an animal for sustenance, but does not include:

- (a) vegetation or animals that are part of natural environment such as grasses or insects; or

- (b) compost kept in accordance with all applicable by-laws, statutes or regulations;

"Officer" means a person appointed by the City of Hamilton or assigned by the Manager of Animal Services to enforce this By-law;

"premises" means a building or a part of a building and any land appurtenant to the building or part of the building and does not include a vacant lot or any premises owned or occupied by the governments of Canada, Ontario, a municipality or by an agency, board or commission of these governments;

"wildlife" means an animal that belongs to a species that is wild by nature, but does not include:

- (a) an animal being kept in accordance with the Hamilton Responsible Animal Ownership By-law;
- (b) an animal exempted from the Hamilton Responsible Animal Ownership By-law under section 3.2 of that By-law; or
- (c) an animal being fed in accordance with:
 - (i) any by-law, statute or regulation; or
 - (ii) research undertaken by a university, college or similar provincially or federally recognized research institution.

PROHIBITION

- 2. No person shall feed or permit the feeding of wildlife.
- 3.(1) For the purposes of paragraph 3(2)(a) **"bird"** does not include waterfowl that are wildlife.
 - (2) Despite section 2, a person may feed or permit the feeding of:
 - (a) a bird, if:
 - (i) the bird is fed on premises owned or occupied by the person;
 - (ii) there is no accumulation of bird feces;
 - (iii) there is no interference with the normal use or enjoyment of any other premises; or
 - (b) a feral cat, if the feral cat belongs to a colony of stray or feral cats identified for the purposes of trap, neuter or spay and release programs

approved by the Hamilton / Burlington Society for the Prevention of Cruelty to Animals.

ADMINISTRATION AND ENFORCEMENT

4. The Manager of Animal Services is authorized to administer and enforce this By-law.
5. The Manager of Animal Services may assign Officers to enforce this By-law and Officers so assigned or appointed by City Council to enforce this By-law shall have the authority to carry out inspections.
6. The Manager of Animal Services or an Officer may enter on land at any reasonable time and in accordance with the conditions set out in sections 435 and 437 of the *Municipal Act, 2001* for the purpose of carrying out an inspection to determine whether or not this By-law is being complied with.
7. The Manager of Animal Services or an Officer may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001* where he or she has been prevented or is likely to be prevented from carrying out an inspection under section 6.
8. Every person who fails to comply with section 2 is guilty of an offence and is liable:
 - (a) on a first conviction, to a maximum fine of not more than \$10,000; and
 - (b) on any subsequent conviction, to a maximum fine of not more than \$25,000.
9. Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.
10. This By-law may be referred to as the Hamilton Wildlife Feeding By-law or the Wildlife Feeding By-law.

11. If a court of competent jurisdiction declares any provision or part of a provision of this By-law invalid, the provision or part of a provision is deemed severable from this By-law and it is the intention of City Council that the remainder of the By-law shall continue to be in force.

REPEAL AND ENACTMENT

12. City By-law No. 02-136 to regulate pigeon pests is repealed.
13. This By-Law shall come into force on the date of its passing.

PASSED this 13th day of June, 2012



R. Bratina
Mayor



R. Caterini
City Clerk



London
CANADA

City of London
Department of Planning
& Development
Building Division

HOME OCCUPATION

(Extracted from By-law Z-1)

Section 2 Definitions:

"DOG OR DOMESTIC CAT GROOMING" means the grooming of a dog or domestic cat as defined in the City of London Animal Control By-law (PH-3) and Dog Licensing and Control By-law (PH-4) and includes bathing, cutting of hair, trimming of nails, and other services generally associated with the act of grooming. (Z-1-061498)

"HOME OCCUPATION" means an occupation or business conducted for gain or profit within a dwelling unit by any permanent resident of that dwelling unit. Where the use of the dwelling unit by a permanent resident is for professional or service office which does not involve external signage, client visitations and employees such office shall be considered as an accessory use. (Z-1-97466)

"OFFICE, PROFESSIONAL" means a building or part thereof in which a legal or other personal professional service is performed or consultation given, includes the offices of a lawyer, a planner, an architect, a surveyor, an engineer or a chartered accountant, but does not include a personal service establishment, a medical/dental office, a clinic, an animal hospital, a body-rub parlour or any adult entertainment parlour as defined in the Municipal Act, as amended. (Z-1-97466 AND Z-1-94236)

"OFFICE, SERVICE" means a building, or part thereof, in which one or more persons is employed in the management, direction or conducting of a travel agency, an insurance agency, or a real estate agency.

Section 4 General Regulations:

4.10 HOME OCCUPATION

"Home occupations are permitted in any dwelling unit within a single detached dwelling, semi-detached dwelling, duplex dwelling, converted dwelling, triplex dwelling, fourplex dwelling and townhouses dwelling, subject to the following provisions:" (Z-1-94293)

- (1) The home occupation shall be clearly ancillary to the use of the dwelling unit and carried out by a resident of the unit. (O.M.B. File #R910387 – Appeal #9002 June 4, 1993)
- (2) The floor area taken up by all home occupations shall be no more than 25 percent (25%) of the total floor area of the dwelling unit and shall be confined to one area and shall not exceed 28.0 square metres (301.4 sq. ft.).
- (3) In no case shall any outdoor use or outdoor storage be permitted. (Z-1-97466)
- (4) The home occupation shall not involve the use or employment within the dwelling unit of more than one person who does not reside in the dwelling unit. The function of such non-resident person shall be restricted to a secretarial, accounting, clerical or support role.
- (5) The home occupation shall not involve the use of the premises as a base of operations for persons who are employed by or associated with the home occupation, nor shall the premises be used to assemble or rally such persons for transportation to a work site.
- (6) No more than five persons shall be present in the dwelling unit at any time to receive treatment, services or instructions.
- (7) No retail use of the dwelling unit shall be permitted as a home occupation.
- (8) No manufacturing, assembly or repair process shall be carried on except for the fabrication of hand made articles of clothing, arts or crafts.

- (9) No institutional use of the dwelling unit shall be permitted as a home occupation.
- (10) The use of a swimming pool shall not be permitted as a home occupation.
(O.M.B. File #R910397 – Appeal #9002 June 4, 1993)
- (11) No food preparation or food service shall be permitted as a home occupation.
- (12) No animal, corpse, bacteria or virus shall be brought into the dwelling in connection with a home occupation.
- (a) Notwithstanding Subsection 4.10(12), a dog and domestic cat grooming business is permitted as a home occupation, subject to the following:
- i) A maximum of three (3) dogs and two (2) domestic cats be allowed on the premises at any one time in conformity with the City of London Animal Control By-law (PH-3) and Dog Licensing and Control By-law (PH-4);
 - ii) No veterinary services be provided on the premises;
 - iii) No breeding, boarding or overnight accommodation of dogs or domestic cats for grooming be permitted on the premises;
 - iv) dogs and domestic cats that are licensed or identified as per the City of London Animal Control By-law (PH-3) and Dog Licensing and Control By-law (PH-4), or dogs and domestic cats that are legally licensed by any other municipality in the Province of Ontario, be allowed on the premises at any one time;
 - v) No dogs or domestic cats that are brought into the premises for grooming shall be permitted outside of the dwelling; and
 - vi) other provisions of Section 4 – General Provisions, Subsection 4.10, Home Occupation, shall apply. (Z-1-061498)
- (13) No additional commercial vehicles shall be permitted in connection with a home occupation. (Z-1-97466)
- (14) No lodging shall be provided in the dwelling unit in connection with a home occupation.
- (15) No delivery of materials to the dwelling unit shall be permitted from a vehicle which has a registered gross weight exceeding 5,000 kilograms (11,023 lbs.).
- (16) No additional outdoor mechanical equipment, other than that normally associated with a residential use, shall be used, the operation of which would result in any undue noise, fumes, dust or odor escaping to any adjacent or neighbouring lot.
- (17) The home occupation shall not require the creation of additional on-site parking spaces, except in accordance with this By-law.

4.19 PARKING

2) DIMENSIONS OF PARKING SPACES

A parking space required hereby shall have a minimum area of 2.7 metres by 5.5 metres (8.9 ft. by 18.0 ft.).

4) YARDS WHERE PARKING AREAS PERMITTED

- a) No person shall use any land or cause or permit the use of any land situated in any zone for the purpose of parking or storage of a vehicle in any front yard or exterior side yard.
- b) No person shall use any land or cause or permit the use of any land situated in any zone for the purposes of uncovered surface parking areas in any front yard or exterior side yard.

Animal Welfare Advisory Committee

Report

5th Meeting of the Animal Welfare Advisory Group
May 3, 2018
Committee Room #4

Attendance PRESENT: W. Brown (Chair), A. Cheng, H. de Hoog, A.M. Evans, A. Hayes, D. Simpson and M. Toplak and H. Lysynski (Acting Secretary)

REGRETS: K. Ashe, M. Gelinias, P. Lystar and M. Morris

ALSO PRESENT: J. Hodgins, L. Loubert, R. Oke and K. Teeter

The meeting was called to order at 5:08 PM

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

2.1 Proposed Amendments to the Parks and Recreation By-law

That the Municipal Council BE ADVISED that the Animal Welfare Advisory Committee (AWAC) supports the proposed amendments to the Parks and Recreation By-law; it being noted that the AWAC heard a verbal presentation from L. Loubert, Division Manager, Aquatics, Arenas and Park Operations, with respect to this matter.

2.2 Tree Trimming Protocols along the proposed Bus Rapid Transit Routes

That it BE NOTED that the Animal Welfare Advisory Committee heard a verbal presentation from J. Hodgins, Engineer-In-Training, Rapid Transit, with respect to tree trimming protocols along the proposed Bus Rapid Transit routes.

3. Consent

3.1 Municipal Council Resolution - 3rd Report of the Animal Welfare Advisory Committee

That it BE NOTED that the Municipal Council resolution adopted at its meeting held on April 10, 2018 with respect to the 3rd Report of the Animal Welfare Advisory Committee from its meeting held on March 1, 2018, was received.

3.2 4th Report of the Animal Welfare Advisory Committee

That it BE NOTED that the 4th Report of the Animal Welfare Advisory Committee from its meeting held on April 5, 2018, was received.

3.3 Humane Urban Wildlife Conflict Policy

That it BE NOTED that the Humane Urban Wildlife Conflict Policy: Forestry Operations Wildlife Protocol, was received.

4. Sub-Committees and Working Groups

4.1 Animal Control By-law PH-3

That the attached proposed amendments to the Animal Control By-law PH-3 BE APPROVED; it being noted that the proposed amendments include new definitions, revised exemptions, and new prohibitions; it being further noted that the Animal Welfare Advisory Committee heard a verbal presentation from W. Brown, on behalf of the Wildlife and Companion Animal Sub-Committee, with respect to this matter.

5. Items for Discussion

5.1 Animal Welfare Advisory Committee Terms of Reference

That it BE NOTED that discussion related to the Animal Welfare Advisory Committee Terms of Reference was postponed to the next meeting, with the most recent version of the Terms of Reference to be included on the Agenda.

6. Deferred Matters/Additional Business

None.

7. Adjournment

The meeting adjourned at 6:45 PM.

Animal Welfare Advisory Committee

Report

6th Meeting of the Animal Welfare Advisory Committee
June 7, 2018
Committee Room #4

Attendance PRESENT: W. Brown (Chair), A. Cheng, H. de Hoog , A.M. Evans, M. Gelinas, A. Hayes, P. Lystar, D. Simpson and M. Toplak and P. Shack (Secretary)

REGRETS: K. Ashe and M. Morris

ALSO PRESENT: H. Lysynski, J.P. McGonigle and R. Oke

The meeting was called to order at 5:03 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

2.1 Overview of the Parks and Recreation Master Plan

That it BE NOTED the Animal Welfare Animal Welfare Advisory Committee heard the ~~attached~~ presentation from JP McGonigle, Division Manager, Parks & Recreation, with respect to an update on Parks & Recreation Master Plan.

3. Consent

3.1 Municipal Council Resolution-4th Report of the Environmental and Ecological Planning Advisory Committee

That the Civic Administration BE REQUESTED to advise the Animal Welfare Advisory Committee of the recommendations being implemented relating to the Green Standards for Light Pollution and Bird Friendly Development; it being noted that the Municipal Council resolution adopted at its meeting held on April 10, 2018 with respect to the 4th Report of the Environmental and Ecological Planning Advisory Committee from its meeting held on March 15, 2018, was received.

3.2 Municipal Council Resolution-4th Report of the Animal Welfare Advisory Committee

That it BE NOTED that the Municipal Council Resolution adopted at its meeting held on May 8, 2018, with respect to the 4th Report of the Animal Welfare Advisory Committee, was received.

4. Sub-Committees and Working Groups

That it BE NOTED that Animal Welfare Advisory Committee heard a verbal update from W. Brown, Chair, Wildlife and Companion Animal Sub-Committee.

5. Items for Discussion

5.1 Animal Welfare Advisory Committee Terms of Reference

That it BE NOTED that the Animal Welfare Advisory Committee Terms of Reference were referred to the Wildlife and Companion Animal Committee for review and to report back at a future meeting.

5.2 2018 Animal Welfare Advisory Committee Work Plan

That consideration of the 2018 Animal Welfare Advisory Committee Work Plan BE POSTPONED to the next meeting.

5.3 Pets in Hot Cars

That representatives from the Newmarket OSPCA and London Police Services Board BE INVITED to attend a future meeting of the Animal Welfare Advisory Committee (AWAC) to advise the AWAC of the following:

- a) whose responsibility it is to remove animals from hot cars; and,
- b) how to increase public awareness of which organization to contact.

5.4 Medway Valley Heritage Forest

That it BE NOTED that the Animal Welfare Advisory Committee held a general discussion with respect to Medway Valley Heritage Forest Environmentally Significant Area.

5.5 Summer Meeting Schedule

That it BE NOTED that the Animal Welfare Advisory Committee will meet on July 5, 2018 and August 2, 2018.

6. Deferred Matters/Additional Business

6.1 (ADDED) City of London Animal Services Webpage

That it BE NOTED that the Animal Welfare Advisory Committee reviewed and received the City of London Animal Services Webpage, as provided by R. Oke, Animal Control and Welfare Coordinator.

6.2 (ADDED) Ontario SPCA Webpage

That it BE NOTED that the Animal Welfare Advisory Committee reviewed and received the ~~attached~~ Ontario SPCA Webpage, as provided by R. Oke, Animal Control and Welfare Coordinator.

6.3 (ADDED) Cat Shelters

That it BE NOTED that the Animal Welfare Advisory Committee reviewed and received the attached Cat Shelter handout, as provided by R. Oke, Animal Control and Welfare Coordinator.

7. Adjournment

The meeting adjourned at 7:18 PM



INVESTIGATIONS

16586 Woodbine Avenue
Stouffville, ON L4A 2W3

Phone: 905-898-7122
Report Cruelty: 310-SPCA
Fax: 905-853-8643
Email: cruelty@ospca.on.ca
Website: ontariospca.ca

Charitable Registration # 88969 1044 RR0002

June 18, 2018

To Municipal Clerk,

The Ontario SPCA is launching the **2018 No Hot Pets campaign on June 21st** with the goal to educate the public on the dangers of leaving pets unattended in vehicles during the summer months and we are requesting your municipality's support.

"I left the window down for him" "I wasn't going to be gone long" We've heard it all! The issue of owners leaving their pets in their vehicles during the hot summer months, putting animals' safety at risk and even causing death, is a serious and ongoing problem across Ontario. There is **NO** excuse for leaving a pet unattended in a vehicle!

The Ontario SPCA has less than 75 officers on the road, to patrol the whole province. Due to our limited resources, we simply cannot respond to every single call and rely heavily on police and animal control to help respond to the 1000+ calls we receive every summer about dogs in cars. When we don't have an officer nearby or the call comes in after hours, it is dispatched to the local police in that area. If municipalities have an Animals in Vehicles by-law in place, their animal control officers can step in when the Ontario SPCA or police are not available to educate or lay charges under the by-law and potentially save a life.

Below is an excellent example of a by-law we are respectfully asking you to bring forth to your City Council to have passed. This would make a HUGE difference in the lives of pets in your community.

Animals in Vehicles

- 1.(1) No person shall leave an animal unattended in a motor vehicle unless: (230-14)
 - a) The animal is restrained in a manner that prevents contact between the animal and any member of the public; and
 - b) The animal has suitable ventilation.
- 2) Notwithstanding subsection 1.(1) of this By-law, no person shall leave an animal unattended in a motor vehicle if the weather conditions are not suitable for the animal to remain free from distress or injury.
- 3) Notwithstanding subsection 1.(1) of this By-law, no person shall transport an animal outside the passenger compartment of any motor vehicle unless the animal is contained in a kennel or similar device that provides adequate ventilation, adequate space, protects the animal from the elements and is securely fastened in such a manner to prevent distress or injury to the animal.

For more information on the No Ho Pets campaign, visit nohotpets.ca.

Please let us know if you can count on your municipality's involvement by emailing **nohotpets@ospca.on.ca**.

Thank you for your support.

Sincerely,

Connie Mallory
Chief Inspector
Ontario SPCA

City Clerk No. 1755
 Subject: SPCA 2018 No Pets
 By-law Campaign
 JUN 21 2018
 Mr. D. [unclear] CAWLEY
 [unclear]

HOT CARS CAN KILL.

Even with the window down your pet can overheat in a matter of minutes.

WHY PETS AND VEHICLES DON'T MIX:

- A dog has a normal body temperature of about 39°C (102°F). Unlike people, a dog has a limited ability to sweat to cool off. So even a brief time in a hot environment can be **life-threatening**.
- Even on a mild day, with the windows open and parked in the shade, the temperature in a vehicle can **rapidly reach very dangerous levels**.
- After reaching a body temperature of 41°C (106°F), it doesn't take long for a pet to begin suffering irreparable **brain damage or death**.
- Every summer, too many pets are left in life-threatening situations inside hot vehicles. **But you can do something about it:**

ACT FAST. SAVE A LIFE.

If you find a pet unattended in a hot vehicle, call **310-SPCA (7722)** or your local police department.

LEARN MORE AND TAKE THE PLEDGE AT:

nohotpets.ca



**ONTARIO
SPCA**
AND HUMANE SOCIETY
PROTECTING ANIMALS SINCE 1873



I LEFT
THE
WINDOW
DOWN
FOR HIM

NO EXCUSES

NO HOT PETS

A PROGRAM OF THE ONTARIO SPCA



London
CANADA

P.O. Box 5035
300 Dufferin Avenue
London, ON
N6A 4L9

June 27, 2018

P. Yeoman
Director, Development Services

OSPCA
New Market

London Police Services Board

I hereby certify that the Municipal Council, at its meeting held on June 26, 2018 resolved:

That the following actions be taken with respect to the 6th Report of the Animal Welfare Advisory Committee from its meeting held on June 7, 2018:

- a) the Civic Administration BE REQUESTED to advise the Animal Welfare Advisory Committee of the recommendations being implemented relating to the Green Standards for Light Pollution and Bird Friendly Development; it being noted that the Municipal Council resolution adopted at its meeting held on April 10, 2018 with respect to the 4th Report of the Environmental and Ecological Planning Advisory Committee from its meeting held on March 15, 2018, was received;
- b) representatives from the Newmarket OSPCA and London Police Services Board BE INVITED to attend a future meeting of the Animal Welfare Advisory Committee (AWAC) to advise the AWAC of the following:
 - i) whose responsibility it is to remove animals from hot cars; and,
 - ii) how to increase public awareness of which organization to contact; and,
- c) clauses 1.1, 2.1, 3.2, 4.1, 5.1, 5.2, 5.4, 5.5, 6.1 to 6.3 BE RECEIVED.
(5.2/10/CPSC)

C. Saunders
City Clerk
/kmm

cc: Chair and Members, Animal Welfare Advisory Committee
J. Rice-Gascon, Administrative Assistant